IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 532 OF 2007

Mr. Raziuddin Malik .. Petitioner

Vs.

The State of Maharashtra and anr. .. Respondents

Mr. Jehangir Khajotia for petitioner.
Mr. D.P. Adsule, APP for State.
Mr. Prakash Naik for respondent no.2.

CORAM: B.H. MARLAPALLE, J.

Date : October 25, 2007.

P.C.:

. Heard Mr. Khajotia the learned counsel for the petitioner who has been convicted for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and has been directed to pay compensation of Rs.10,00,000/- by the learned Metoropolitan Magistrate, 44th Court, Andheri and the said order of conviction and sentence is under challenge in Criminal Appeal No. 65 of 2007. However, by a cryptic order, the order of sentence has been stayed on the condition that the appellant - petitioner should deposit an amount of Rs.3,00,000/-. The petiitoner-appellant is aggrieved by the said

directions to deposit Rs.3,00,000/- and has placed reliance on the decision in the case of Dilip S. Dahanukar vs. Kotak Mahindra Co. Ltd. and anr. [2007 ALL MR (Cri) 1775 (S.C.)].

. As noted in the order dated 24/7/2007 the petiitoner-appellant has deposited an amount of Rs.1,00,000/- with the Lower Appellate Court on 30/7/2007, which is not disputed.

. Hence, it is directed that Criminal Appeal No. 65 of 2007, presently pending before the Sessions Court, Gr. Mumbai be heard and decided on its own merits as expeditiously as possible and preferably by 31st March, 2008 and the order of sentence shall stand suspended till the appeal is decided on account of the deposit of Rs.1,00,000/- with the Lower Appellate Court.

. Petition is disposed off accordingly.

(B.H. Marlapalle,J.)